



THE CITY OF NEW YORK  
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March 10, 2023

**VIA ECF**

Honorable John G. Koeltl  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Barnes-Williams v. City of New York et al.*, 21-CV-05017 (JGK)

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and attorney for the City of New York and Police Officer Travis Gembecki ("defendants"). Defendants respectfully submit this joint application on behalf of all parties to respectfully request a sixty (60) day extension of the time, from March 13, 2023<sup>1</sup> to May 12, 2023, to complete discovery, in particular depositions. To the extent the Court is inclined to grant this request, the parties also request an adjournment of the March 17, 2023 conference, to a date and time convenient for the Court after May 12, 2023 and a corresponding adjournment of the date to submit their pre-motion conference letter. This is the fifth request for an extension and the previous requests were granted.

By way of background, plaintiff brings this action, pursuant to 42 U.S.C. 1983, against defendants alleging, *inter alia*, that, on or about June 3, 2020, while peacefully protesting, she was falsely arrested and subjected to excessive force by the defendant officers. Plaintiff claims that as a result of this incident, she suffered physical injuries to her wrist and cervical spine, and underwent surgery on her shoulder.

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<sup>1</sup> The January 24, 2023 "Set/Reset Deadlines" docket entry incorrectly states that "Discovery is due by 5/13/23." Discovery was extended to March 13, 2023. *ECF No. 34*.

As the Court may recall, defendants have been in the process of obtaining the outstanding medical records for plaintiff from Brooklyn Hospital. Although Brooklyn Hospital previously advised the undersigned on January 4, 2023 that the records were to be provided the following week, which was prior to the parties previous extension request which extended discovery from January 13, 2023 to March 13, 2023, ECF No. 33, 34, it was not disclosed to the undersigned that the hospital first needed to provide the records to a third-party service who was then tasked with producing the records to defendants. This process caused an unexpected delay of approximately one month with respect to defendants obtaining the relevant medical records. Thereafter the undersigned was out of the office sick and, in addition, had to attend to personal matters which contributed to the delay in this case. At this juncture, the remaining discovery includes party depositions. Counsel for the parties are currently in the process of confirming dates for those depositions but anticipate going forward with them in the coming weeks. Additionally, now that we are in receipt of the relevant medical records, the parties can more productively explore the possibility of a potential settlement. To that end, the parties expect to exhaust those discussions prior to engaging in depositions.

Accordingly, the parties respectfully request an additional sixty (60) days, until May 12, 2023, to complete discovery, an adjournment of the March 14, 2023 conference to a date and time convenient for the Court following the close of discovery, and a corresponding adjournment of the deadline to file a request for a pre-motion conference until June 12, 2023.

The parties thank the Court for its consideration of the instant application.

Respectfully submitted,

Thomas Lai s/

Thomas Lai

Senior Counsel

Special Federal Litigation Division

To: VIA ECF

Paul V. Prestia

Attorney for Plaintiff

*Application granted.*  
*Discovery to be completed by 5/12/23.*  
*March 14, 2023 Conference was*  
*rescheduled to March 17, 2023 and is now canceled.*  
*Any <sup>(motion)</sup>dispositives due by 6/9/23.*  
*Joint Pre-Trial Order due by 6/30/23, or*  
*21 days after decision of any dispositive motion.*  
*Ready + Trial, 48 hours notice, 21 days after*  
*submission of Joint Pre-Trial Order. So ordered.*  
*3/13/23 JRG/USP.*